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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,689	11/20/2003	George Barry Hanna	030309 (BLL0091USP)	9316

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

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05/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/717,689	Applicant(s) HANNA, GEORGE BARRY	
	Examiner RASHA S. AL AUBAIDI	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This in response to amendment filed 01/29/2009. Claim 18 has been added. No claims have been canceled. Claims 1, 10 and 14 have been amended. Claims 1-18 are still pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 10 and 14, recites the limitation of "in response to the caller replying to a third service announcement to initiate conference call; receiving a plurality of conference call telephone numbers ". First, it is not clear from where the third announcement is generated. Second, it is not clear as well from where (i.e., origination) to where (i.e., destination) the plurality of conference call telephone numbers are received. Clarifications are required.

Dependent claims 2-9, 18, 11-13 and 15-17 are rejected for the same reasons as discussed above with respect to claims 1, 10 and 14, respectively.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al. (US PAT # 4,893,335).

Regarding claim 1, Fuller teaches a method for making a telephone call connection (see col. 2, lines 55-58), comprising: intercepting an incoming call at a computer (this reads on telephone line 22 coming from the wall to the box 14 and line 20 goes from the box 14 to the telephone, see Figs. 1-2. Thus, intercepting a call is already taught in Fuller) in signal communication with a telephone being called by a caller, the telephone having an associated sign-up calling plan service billed to a home plan at a home plan rate (this reads on the direct dial rate, see col. 13, lines 30-35). Fuller teaches the "money saver" mode that allows individuals to place a telephone call from an external location and get the same flat rate as if they were at home (see col. 13, lines 26-35). An individual enters a special access number (see col. 13, lines 35-37). The feature of "validating the personal identification number" is inherent. The caller in Fuller then can dial the a long distance number (see col. 13, lines 37-39), invoking an outbound call to the destination number (this basically reads on making the call, see col.

Art Unit: 2614

13, lines 45-47) and in response to the destination number being answered (reads on the called party answering the call), dropping the line (reads on the central office terminating the call, see col. 13, lines 40-53).

While, Fuller teaches the use of announcement that instructs the caller to dial his telephone number (see col. 11, lines 33-37).

However, Fuller does not specifically teach the caller will be prompted with first, second and third announcement and this announcement will specifically prompt the caller to enter his personal identification number and to initiate a conference call as recited in claims 1. In addition, Fuller does not teach the use of a computer program and does not specifically teach receiving a plurality of conference call telephone numbers ...etc" as recited in claim 1.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have an announcement programmed to address and ask the caller specific questions and requests. Obviously, announcements should be programmed based on the need and desire in order to expedite the handling of the processing and establishing calls. Also, since Fuller teaches the use of a CPU (element 34, as shown in Fig. 2), it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer that is capable of allowing a caller who is in a remote location to place a long distance call and billed at the same home

Art Unit: 2614

rate plan. The claimed feature where applicant is emphasizing "home" in the claim's language is still reads on Fuller (col. 1, lines 19-20. This basically teaches that telephone equipment is commonly resides in customer's residence). Also, Since Fuller teaches the limitation of "three-way calling" (see col. 1, lines 23-30), then the claimed feature of "initiate a conference; receiving a plurality of conference call telephone numbers ...etc" as recited in claim 1 would have been extremely obvious in view of Fuller's teachings.

Claims 7, 10-11 and 14-15 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 2, Fuller teaches a three-way call between the computer, the caller, and the destination telephone number (this simply may read on the "three way-calling", see col. 1, and lines 20-24).

Claims 12 and 16 are rejected for the same reasons as discussed above with respect to claim 2.

Claim 3 recites "the invoking an outbound call comprises: in response to the telephone being serviced by more than one line, invoking an outbound call to the destination number on another line". This limitation is obvious and well known in the art.

Claim 4 recites “in response to the caller replying to the second service announcement and entering a plurality of conference call telephone numbers to be called, invoking a conference call between the computer, the caller, and each of the plurality of telephone numbers, and in response to the conference call connections being made or terminated, dropping the computer off line, thereby enabling the caller to communicate with the plurality of telephone numbers via the home plan at the home plan rate”. Fuller teaches the feature of conference call (see col. 8, lines 13-39).

Claim 5 recites “in response to the caller replying to the first service announcement and entering a call-forward command and a call-forward telephone number, redirecting all calls received at the computer to the call-forward telephone number”. Fuller teaches the use of a call forward (see col. 9, lines 36-68).

Claim 6 recites “in response to the destination number being busy and in response to a prompt from the caller, activating a call-back service, thereby enabling the caller to communicate with the destination number via the home plan at the home plan rate in response to the destination number not being busy”. Fuller teaches the use of a callback feature (see col. 7, lines 11-30).

Claim 8 recites “the telephone is the caller's residence telephone”. This limitation is obvious. A caller may chose to be connected to any destination such residential or business. Having the telephone to be a residence phone or having the telephone

Art Unit: 2614

associated with the caller's business does not rise the invention to the level of patentability.

Claim 9 is rejected for the same reasons as discussed above with respect to claim 8.

Claims 13 and 17 are rejected for the same reasons as discussed above with respect to claims 1, 3-6, 10 and 14, respectively.

Claim 18 is rejected for the same reasons as discussed above with respect to claims 1, 10 and 14, Also, the claimed feature of "billing the outbound call against a pre-purchased collection minutes" is an obvious limitation and well known in the art of telephony.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues (Page 11 of the Remarks) that "There is no disclosure that the direct dial in Fuller is the home plan rate of the home telephone". The Examiner respectfully disagrees, because Fuller clearly teaches that in a typical single line telephone equipment is commonly used in residences (see col. 1, lines 19-20). Thus, it is obvious that what Fuller teaches is providing the user the caller will be billed the same

Art Unit: 2614

home plan rate, when the caller access the system remotely, as if the caller is placing a long distance call directly from home.

The Examiner believes that all other arguments are already addressed in the above rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on (571) 272-7493.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614